

REMARKS

Notice is given that a Petition under 37 CFR §1.144 has been filed concurrently with this Amendment. Accordingly, claims 33-53, 66 and 67 have not been canceled.

- A. New claim 68 depends from allowable claim 54 and therefore is deemed to be allowable over the art for the same reasons as claim 54. Claim 33 was amended to place a period at the end of the claim. Claim 54 was amended to overcome an objectionable issue noted by the Examiner.
- B. The Examiner has maintained the restriction/election requirement, and made it final. Accordingly, claims 33-53, 66 and 67 have been withdrawn from consideration, as noted by the foregoing Amendment of the claims.

The Examiner has remarked that there is no allowable generic claim. However, it has been argued on numerous occasions that claims 33 and 54 are both generic claims, and claim 54 has been indicated to be allowable.

At no point has the Examiner traversed the Applicant's holding that claims 33 and 54 are generic.

Note also that the only difference between claim 54 and claim 66, for example, is that claim 66 requires that the semi-flexible stainless steel tube (claim 66) *hermetically* encapsulate the rapid deflagrating cord (claim 33).

Accordingly, if claim 54 contains allowable subject matter, then claim 66 contains allowable

subject matter. The feature of *hermetically encapsulating said rapid deflagrating cord from said first end to said second end of said transfer line* merely narrows the scope of claim 66 as compared to claim 54.

Claims 33-35 were examined on the merits in the Office action mailed 30 March 2004. Additionally, claims 54-65 were examined on the merits in the Office action mailed 8 September 2006.

Accordingly, although the Examiner alleges a serious burden would be placed upon the Office in order to examine claims 33-35, such an allegation is untenable because claims 33-35 have already been examined on the merits.

Additionally, the Examiner holds that not only would class 102, subclass 275.1 need be searched, but also subclasses 275.2, 275.3, 275.4, 275.5, 275.6, 275.7, 275.8, 275.9, 275.11, 275.12 would all have to be searched. The Examiner has not explained why all these subclasses would have to be searched, nor has the Examiner explained why all these subclasses have not already been searched with respect to the previous examination on the merits of claims 33-35.

Additionally, the Examiner has not explained how all these subclasses were not required to be searched with respect to the examination on the merits of claims 54-65.

We note that claim 33 calls for a first metal tubing *hermetically encapsulating a rapid deflagrating cord*. There is no specific subclass in class 102 limited to hermetically sealed tubes. Accordingly, although claim 54 does not call for the claimed semi-flexible stainless steel tube to *hermetically encapsulate the rapid deflagrating cord*, the lack of such a feature in claim 54 does not

suggest an area of search divergent from the search required for claim 33.

Similarly, although claim 54 calls for a semi-flexible stainless steel tube, there is no specific subclass in class 102 limited to semi-flexible stainless steel tubes. And there is no limitation in claim 33 precluding the use of a semi-flexible stainless steel tube as the claimed *first metal tubing* hermetically encapsulating the rapid deflagrating cord.

A review of each feature of claim 33, as compared to each feature of claim 54 finds no evidence that a divergent area of search would be required in class 102, and the Examiner has no identified which feature of claim 54 which would provide evidence that a particular subclass, of those listed above, would not need to be searched.

With respect to the formulation of a search query with respect to an EAST text search in USPAT, USPGPUB, USOCR, JPO, EPO, Derwents Abstracts, C06C005/00.ipc., C006005/04.ipc. and C06C005/06.ipc., the only difference in search terminology would be based on the features of a hermetic seal and the use of a semi-flexible stainless steel for the metal tube.

Both claims calls for a rapid deflagrating cord extending from a first end and a second end of a transfer line (i.e., filing an aluminum tube); the rapid deflagrating material having a burn a rate of 1000 to 1500 feet per second; and a metal tubing being crimped at each end thereof, onto the transfer line at first and second ends of the transfer line, to hold the rapid deflagration cord in place in the first metal tubing.

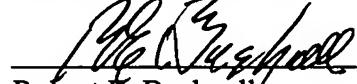
Accordingly, there is no serious burden placed on the Examiner in searching all the current claims.

C. Claim 54 was objected to for an informality kindly noted by the Examiner. Accordingly, claim 54 has been amended to remove the subject matter objected to.

The Examiner is respectfully requested to reconsider the application, withdraw the restriction, the objections and/or rejections and examine claims 33-53, 66 and 67 on the merits in view of the above amendments and/or remarks.

A fee of \$50.00 is incurred by the addition of one (1) total claim in excess of total 35. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell
Attorney for Applicant
Reg. No.: 27,774

1522 K Street, N.W.
Washington, D.C. 20005
(202) 408-9040

Folio: P56668
Date: 12/8/06
I.D.: REB/MDP